

**From:** Michael.Rowe@deq.idaho.gov  
**To:** [Tomten, Dave](#)  
**Cc:** [Dennis Smith](#)  
**Subject:** RE: Ballard Mine - proposed plan state acceptance language  
**Date:** Wednesday, January 24, 2018 7:08:47 AM

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Dave,

Here is the new language for the "State Acceptance" section of the Proposed Plan for Ballard Mine.

The State of Idaho (through IDEQ) has been an active participant and fully engaged throughout the remedial investigation, feasibility study process, and development of the preferred alternative. To date, State concerns have been addressed and the State is in agreement with the progress of the project and the remedial action proposed for the site. IDEQ will provide its comments on the Proposed Plan during the public comment period including comments on the appropriate cleanup goal for arsenic in surface water. Final State acceptance will be evaluated after the public comment period ends and will be described in the ROD.

Let me know if you have any questions.

Mike

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**From:** Tomten, Dave [mailto:Tomten.Dave@epa.gov]  
**Sent:** Tuesday, January 23, 2018 12:56 PM  
**To:** Michael Rowe  
**Cc:** Dennis Smith  
**Subject:** RE: Ballard Mine - proposed plan state acceptance language

Ignore my previous email. Here is some proposed language that we could support.

**The State of Idaho (through IDEQ) has been an active participant and fully engaged throughout the remedial investigation, feasibility study process, and development of the preferred alternative. To date, State concerns have been addressed and the State is in agreement with the progress of the project and the remedial action proposed for the site. IDEQ will provide its comments on the Proposed Plan during the public comment period. Final State acceptance will be evaluated after the public comment period ends and will be described in the ROD.**

If you think you need to have more specific language in this paragraph, we could add something like the following to the end of the third sentence ". . . **including comments on the appropriate cleanup goal for arsenic in surface water.**

Thoughts?

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**From:** Tomten, Dave  
**Sent:** Tuesday, January 23, 2018 12:46 PM  
**To:** 'Michael.Rowe@deq.idaho.gov' <[Michael.Rowe@deq.idaho.gov](mailto:Michael.Rowe@deq.idaho.gov)>

**Cc:** Dennis Smith ([dennis.smith2@ch2m.com](mailto:dennis.smith2@ch2m.com)) <[dennis.smith2@ch2m.com](mailto:dennis.smith2@ch2m.com)>

**Subject:** RE: Ballard Mine - proposed plan state acceptance language

Mike –

The sentence highlighted below is giving my management some heartburn. I'd propose that we just delete that sentence – it doesn't change the fact that we agree on the identified preferred alternative. Also, you would be able to raise the As PRG as a concern during the comment period.

Dave

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**From:** [Michael.Rowe@deq.idaho.gov](mailto:Michael.Rowe@deq.idaho.gov) [<mailto:Michael.Rowe@deq.idaho.gov>]

**Sent:** Wednesday, November 08, 2017 11:07 AM

**To:** Tomten, Dave <[Tomten.Dave@epa.gov](mailto:Tomten.Dave@epa.gov)>

**Cc:** Dennis Smith <[Dennis.smith2@ch2m.com](mailto:Dennis.smith2@ch2m.com)>

**Subject:** Ballard Mine - proposed plan state acceptance language

Dave,

Here is the language we will be submitting for the Ballard Mine proposed plan. This has gone through out AG's office. Let me know if you have any heartburn with this.

Mike

***State Acceptance***

The State of Idaho (through IDEQ) has been an active participant and fully engaged throughout the remedial investigation, feasibility study process, and development of the preferred alternative. To date State concerns have been addressed and the State is in agreement with the progress of the project and the remedial action proposed for the site. **The State does, however, believe that 0.010 mg/L should be the goal for arsenic in surface water, unless and until EPA approves a revised State criterion or promulgates a federal criterion.** Final State acceptance will be evaluated after the public comment period ends and will be described in the ROD for the site.